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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,720	03/30/2005	Bruno Bozionek	2002P10527WOUS	9102

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Intellectual Property Department
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EXAMINER	
PHUNG, LUAT	
ART UNIT	PAPER NUMBER
2416	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/529,720	BOZIONEK ET AL.	
	Examiner	Art Unit	
	LUAT PHUNG	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20,21,23-27,29-36 and 39-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20,21,23-27,29-36 and 39-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 11, 2008 has been entered.

Response to Amendment

2. Applicant's arguments filed on December 11, 2008 have been fully considered but they are not deemed to be persuasive.

3. On page 10, applicants argue that:

This requires twice as many gatekeepers as in Applicants' system, requires multiple protocol converters, and requires two different types of protocol converter modules.

Examiner respectfully disagrees.

As a recap of the rejection of claims 39, Jeong discloses the H.323 Gateway 21, H.323 Gate Keeper 15, Call Converter 17 and Proprietary Gate Keeper 19 in the PBX 100 (Fig. 1) providing the functions of the claimed limitation as recited above. It would have been obvious to one having ordinary skill in the art at the time the invention was made to organize these entities into one entity named converter or interworking function or gatekeeper or the like because together they provide the interworking/converting

function between PSTN and LAN terminals, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

Mauger from the same or similar fields of endeavor discloses wherein all conversions between the first and second protocols are performed in the single gatekeeper for the plurality of gateway modules. (Fig. 7; col. 6, line 43 to col. 7, line 13; gatekeeper operating SS7 signaling with other gatekeepers or with PSTN/ISDN switches in the external network; conversion of Setup and IAM messages between H.323 and SS7, i.e., PSTN, endpoints; conversion between IP addresses and SS7 pointcodes) Thus it would have been obvious to one of ordinary skill in the art to implement a single gatekeeper which performs conversion between two protocols as suggested by Mauger in the system Jeong. The motivation for doing so would have been to support voice over IP services involving H.323 and PSTN.

4. On page 10, applicants argue that:

The proposed combinations of Jeong with Avaramudan, Detampel, Potter, and Pinard do not address the above deficiency of Jeong. Avaramudan's device servers 101 may be considered to correspond to Applicants' gateways 20a, 20b. However, each of Avaramudan's device servers 101 performs protocol conversions to a common call-control protocol. This is the exact opposite of Applicants' configuration, in which an interface 24 in a single gatekeeper 21 performs all protocol conversions for a plurality of

gateways, thus providing a uniform system control interface and eliminating duplication of conversion modules.

Examiner respectfully disagrees.

As a recap of the rejection of claim 39, Avaramudan discloses:

a plurality of telephone and/or video conference data processing devices in a plurality of gateway modules supporting the first data transmission protocol and not supporting the second data transmission protocol. (Fig. 1; col. 3, line 53 to col. 4, line 36, col. 4, line 51 to last line; conference bridge together with a device server communicating using a protocol with a device, e.g., 103-3, and not using another protocol with another device, e.g., 103-4; devices being IP or POTS phones)

5. On page 11, applicants argue that:

Examiner mentions several times that rearranging parts of an invention involves only routine skill in the art. However, such a generalization does not hold, because most inventions are made of old elements in a new configuration and/or combination. Thus, most inventions are a rearrangement of parts. For example, the most famous invention of all time is the incandescent light, the image of which symbolizes invention. Thomas Edison did not invent the incandescent light. An incandescent light with a carbon filament in an evacuated bulb was previously invented and developed by Joseph Swan and others. Edison obtained a patent by reconfiguring the parts such that the light was more practical.

MPEP 2144.04 VI: C. Rearrangement of Parts

… "The mere fact that a worker in the art could rearrange the parts of the refer\-ence device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." Exparte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

Examiner respectfully disagrees.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). For example, the claimed limitation of protocol conversion has been provided by the gatekeeper of Mauger (Fig. 7; col. 6, line 43 to col. 7, line 13) or the network PBX of Pinard (col. 4, lines 55+; claim 8). The fact that Jeong provides the breakdown of how the conversion is performed in the PBX is merely a design choice; Jeong's PBX however provides the claimed limitations as recited in this office action. In general, motivation for combining the references has been provided as shown in the rejection section of this office action.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 20, 21, 23-27, 29-32, 39, 40, 42 and 43 are rejected under U.S.C. 103(a) as being unpatentable over Jeong (US 6,801,540), in view of Mauger, et al (US 6,507,577), further in view of Avaramudan, et al (US 6,584,076), and further in view of Detampel, et al. (US Pub. 2001/0002927).

Regarding **claims 39 and 42**, Jeong discloses a data communications method for use in a data communications system comprising:

a plurality of clients (terminals per Fig. 1, elements 300's, 400's, 500's) connected by at least one network (LAN per Fig. 1) to a private branch exchange (PBX) (Fig. 1, element 100), wherein a first of the clients (terminals in PSTN per Fig. 1, elements 300s) communicates with the PBX using a first data transmission protocol (PSTN signal per col. 4, lines 51-61), and a second of the clients (H.323 terminals per Fig. 1, elements 400s) communicates with the PBX using a second data transmission protocol; (H.323 signal per col. 4, lines 51-61; col. 4, lines 6-50)

a gatekeeper module in the PBX comprising an interface device supporting both the first and second data transmission protocols, wherein the gatekeeper module converts transmission data between the first and second protocols (H.323 gateway converting PSTN signals and H.323 signals per col. 4, lines 51-61; call converter converting between H.323 and proprietary protocols per col. 4, lines 20-50; Fig. 1)

Jeong does not explicitly disclose:

a single gatekeeper module; and

wherein all conversions between the first and second protocols are performed in the single gatekeeper for the plurality of gateway modules.

However Jeong discloses the H.323 Gateway 21, H.323 Gate Keeper 15, Call Converter 17 and Proprietary Gate Keeper 19 in the PBX 100 (Fig. 1) providing the functions of the claimed limitation as recited above. It would have been obvious to one having ordinary skill in the art at the time the invention was made to organize these entities into one entity named converter or interworking function or gatekeeper or the like because together they provide the interworking/conversion function between PSTN and LAN terminals, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

Mauger from the same or similar fields of endeavor discloses wherein all conversions between the first and second protocols are performed in the single gatekeeper for the plurality of gateway modules. (Fig. 7; col. 6, line 43 to col. 7, line 13; gatekeeper operating SS7 signaling with other gatekeepers or with PSTN/ISDN switches in the external network; conversion of Setup and IAM messages between H.323 and SS7, i.e., PSTN, endpoints; conversion between IP addresses and SS7 point codes) Thus it would have been obvious to one of ordinary skill in the art to implement a single gatekeeper which performs conversion between two protocols as suggested by Mauger in the system Jeong. The motivation for doing so would have been to support voice over IP services involving H.323 and PSTN.

The combination of Jeong and Mauger does not explicitly disclose:

a plurality of telephone and/or video conference data processing devices in a plurality of gateway modules supporting the first data transmission protocol and not supporting the second data transmission protocol;

a resource control device in the PBX that selects one of the telephone and/or data processing devices to execute a teleconference based on a telecommunications load and a gateway resource availability;

wherein the gatekeeper module forwards data converted to the first protocol to the selected telephone and/or video conference data processing device, which executes the teleconference among the first and second clients and at least a third one of the clients;

wherein clients using the first data transmission protocol and clients using the second data transmission protocol can jointly hold a telephone and/or video conference with each other via the selected telephone and/or video conference data processing device.

Avaramudan from the same or similar fields of endeavor discloses:

a plurality of telephone and/or video conference data processing devices in a plurality of gateway modules supporting the first data transmission protocol and not supporting the second data transmission protocol; (Fig. 1; col. 3, line 53 to col. 4, line 36, col. 4, line 51 to last line; conference bridge together with a device server communicating using a protocol with a device, e.g., 103-3, and not using another protocol with another device, e.g., 103-4; devices being IP or POTS phones)

a resource control device that selects one of the telephone and/or data processing devices to execute a teleconference based on a gateway resource availability; (call coordinator selecting conference bridge as function of capabilities to achieve the desired conference call per col. 6, lines 42-59) it is obvious to one of ordinary skill in the art at the time of the invention that a conference bridge, a system resource, must be available to be selected to set up a conference call;

wherein the gatekeeper module forwards data converted to the first protocol to the selected telephone and/or video conference data processing device (Fig. 1; col. 3, line 53 to col. 4, line 36, col. 4, line 51 to last line; device server translating protocol of a device to another protocol of another device via the conference bridge) which executes the teleconference among the first and second clients and at least a third one of the clients; (conference bridge used to set up conference call consisting of three or more devices per col. 4, lines 37-59, col. 6, lines 41-59)

wherein clients using the first data transmission protocol and clients using the second data transmission protocol can jointly hold a telephone and/or video conference with each other via the selected telephone and/or video conference data processing device. (devices with specific signaling protocols are in a conference call through use of the conference bridge per col. 4, lines 16-29, col. 7, lines 8-24).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the conference bridges and call coordinator as suggested by Avaramudan in the PBX of Jeong and Mauger since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86

USPQ 70. The motivation for doing so would have been to support conference calling in the PBX.

The combination of Jeong, Mauger and Avaramudan discloses all of the subject matter except a resource control device that selects one of the telephone and/or data processing devices based on a telecommunications load. Detampel from the same or similar fields of endeavor discloses determining if sufficient ports are available (Fig. 5, element 503) and accordingly selecting a conference bridge considering load control and routing cost and using criteria including availability, load control, least-cost routing and component failure, for example, selecting one with the most available conferencing ports (para. 5, 57). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to combine the PBX with conference bridges of Jeong, Mauger and Avaramudan with the conference bridge selection of Detampel by selecting one for teleconference based on load and resource availability. Further it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. The motivation for doing so would have been to provide flexibility and cost saving.

Regarding **claim 20**, Avaramudan further discloses wherein the telephone and/or video conference data processing device is arranged in a computer. (col. 2, line 61 to col. 3, line 17)

Regarding **claim 21**, Avaramudan further discloses wherein the computer is a server. (col. 2, line 61 to col. 3, line 17)

Regarding **claim 23**, Jeong further discloses wherein the second data transmission protocol is an open, standardized protocol. (col. 4, line 28)

Regarding **claim 24**, Jeong further discloses wherein the second data transmission protocol is an H.323 or H.225/H.245-based protocol or an SIP-based protocol. (col. 4, line 28)

Regarding **claim 25**, Jeong further discloses wherein the first data transmission protocol is a proprietary or generic protocol. (col. 4, line 28)

Regarding **claim 26**, Jeong further discloses wherein the first data transmission protocol is a PCM- or TDM-based protocol. (col. 4, lines 51-52)

Regarding **claim 27**, Jeong further discloses wherein the first and/or the second data transmission protocol is a TCP/IP-based data transmission protocol. (col. 4, line 28)

Regarding **claim 29**, Jeong further discloses wherein one or more of the clients are connected to an Intranet data network. (Fig. 1; col. 4)

Regarding **claim 30**, Jeong further discloses wherein one or more of the clients are arranged outside the Intranet data network. (Fig. 1; col. 4)

Regarding **claim 31**, Examiner takes official notice that it is well known in the art at the time of the invention that one or more of the clients are configured to be connected to a further Intranet data network.

Regarding **claim 32**, Jeong in view of Avaramudan and Detampel further discloses wherein the telephone and/or video conference data processing device is connected to the Intranet data network. (Fig. 1; col. 4)

Regarding **claims 40 and 43**, the combination of Jeong, Mauger, Avaramudan and Detampel discloses substantially all of the subject matter as previously recited in this office action. Jeong, Mauger and Avaramudan do not explicitly disclose wherein the resource control device in the PBX selects from among further telephone and/or data processing devices in an external network that is directly or indirectly connected to the PBX. However Detampel further discloses the conference bridges residing within a PBX (para. 3) as well as external to the PBX (para. 5). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the conference bridges external to the PBX to be used during conference bridge selection of Detampel in the PBX of Jeong, Mauger and Avaramudan. Further it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. The motivation for doing so would have been to provide flexibility and cost saving.

10. Claims 33-36 are rejected under U.S.C. 103(a) as being unpatentable over Jeong, in view of Mauger, et al, Avaramudan, et al and Detampel, et al, and further in view of Potter, et al (US Pub. 2001/0043608).

Regarding **claim 33**, the combination of Jeong, Mauger, Avaramudan and Detampel discloses all of the subject matter as recited previously in this office action except wherein a further telephone and/or video conference data processing device supporting the first data transmission protocol is provided which can be used instead of the telephone and/or video conference data processing device. Potter from the same or

similar fields of endeavor discloses a virtual PBX supporting supplementary services such as conference calling using H.323 (para. 29, 35-48). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement H.323 as suggested by Potter in the conference bridge in the PBX of Jeong, Mauger, Avaramudan and Detampel during the selection of the conference bridge. The motivation for doing so would have been to support conference calling for different protocols.

Regarding **claim 34**, Jeong in view of Mauger, Avaramudan, Detampel and Potter further discloses wherein the further telephone and/or video conference data processing device is connected to the Intranet data network, or wherein the further telephone and/or video conference data processing device is arranged outside the Intranet data network. (Fig. 1; col. 4)

Regarding **claim 35**, the combination of Jeong, Mauger, Avaramudan and Detampel discloses all of the subject matter as recited previously in this office action except wherein an additional telephone and/or video conference data processing device supporting the second data transmission protocol is provided, which can be used instead of the telephone and/or video conference data processing device. Potter from the same or similar fields of endeavor discloses a virtual PBX supporting supplementary services such as conference calling using CSTA (para. 29, 35-48). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement CSTA as suggested by Potter in the conference bridge in the PBX of Jeong, Mauger, Avaramudan and Detampel during the selection of the conference bridge. The

motivation for doing so would have been to support conference calling for different protocols.

Regarding **claim 36**, Jeong in view of Mauger, Avaramudan, Detampel and Potter discloses wherein the additional telephone and/or video conference data processing device is connected to the Intranet data network, or wherein the additional telephone and/or video conference data processing device is arranged outside the Intranet data network is connected to a further Intranet data network. (Fig. 1; col. 4)

11. Claim 41 is rejected under U.S.C. 103(a) as being unpatentable over Jeong, in view of Mauger, et al, Avaramudan, et al, Detampel, et al., and further in view of Pinard, et al (US 6,819,665).

Regarding **claim 41**, Jeong discloses a system, comprising:

an interface in a gatekeeper module supporting both the first, and also the second data transmission protocol, the gatekeeper module converting received data from the second to the first data transmission protocol (H.323 gateway converting PSTN signals and H.323 signals per col. 4, lines 51-61; call converter converting between H.323 and proprietary protocols per col. 4, lines 20-50; Fig. 1)

Jeong does not explicitly disclose:

wherein all conversions between the first and second protocols are performed in the single gatekeeper for the plurality of gateway modules.

However Jeong discloses the H.323 Gateway 21, H.323 Gate Keeper 15, Call Converter 17 and Proprietary Gate Keeper 19 in the PBX 100 (Fig. 1) providing the

functions of the claimed limitation as recited above. It would have been obvious to one having ordinary skill in the art at the time the invention was made to organize these entities into one entity named converter or interworking function or gatekeeper or the like because together they provide the interworking/converting function between PSTN and LAN terminals, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

Mauger from the same or similar fields of endeavor discloses wherein all conversions between the first and second protocols are performed in the single gatekeeper for the plurality of gateway modules. (Fig. 7; col. 6, line 43 to col. 7, line 13; gatekeeper operating SS7 signaling with other gatekeepers or with PSTN/ISDN switches in the external network; conversion of Setup and IAM messages between H.323 and SS7, i.e., PSTN, endpoints; conversion between IP addresses and SS7 pointcodes) Thus it would have been obvious to one of ordinary skill in the art to implement a single gatekeeper which performs conversion between two protocols as suggested by Mauger in the system Jeong. The motivation for doing so would have been to support voice over IP services involving H.323 and PSTN.

The combination of Jeong and Mauger does not explicitly disclose:

a plurality of telephone and/or video conference data processing devices supporting a first data transmission protocol and not supporting a second data transmission protocol;

the gatekeeper module forwarding converted data to one of the telephone and/or video conference data processing devices, wherein clients using the first data transmission protocol and clients using the second data transmission protocol can simultaneously use said one of the telephone and/or video conference data processing devices; and

a resource control device which in cases in which a request cannot be processed by said one of the telephone and/or video conference data processing devices due to data traffic loading thereof, causes another of the telephone and/or video conference data processing devices to take over the request.

Avaramudan from the same or similar fields of endeavor discloses:

a plurality of telephone and/or video conference data processing devices supporting a first data transmission protocol and not supporting the second data transmission protocol; (Fig. 1; col. 3, line 53 to col. 4, line 36, col. 4, line 51 to last line; conference bridge together with a device server communicating using a protocol with a device, e.g., 103-3, and not using another protocol with another device, e.g., 103-4; devices being IP or POTS phones)

the gatekeeper module forwarding converted data to one of the telephone and/or video conference data processing devices, wherein clients using the first data transmission protocol and clients using the second data transmission protocol can simultaneously use said one of the telephone and/or video conference data processing devices; (device server translating protocol of device to a common control protocol to communicate with conference bridge per col. 3, line 53 to col. 4, line 36, col. 4, line 51

to last line; devices with specific signaling protocols are in a conference call through use of the conference bridge per col. 4, lines 16-29, col. 7, lines 8-24)

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the conference bridges and call coordinator as suggested by Avaramudan in the PBX of Jeong and Mauger since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. The motivation for doing so would have been to support conference calling in the PBX.

The combination of Jeong, Mauger and Avaramudan discloses substantially all of the subject matter as recited above. Jeong and Mauger do not explicitly disclose:

a resource control device which in cases in which a request cannot be processed by said one of the telephone and/or video conference data processing devices due to data traffic loading thereof, causes another of the telephone and/or video conference data processing devices to take over the request.

However Avaramudan discloses a call coordinator selecting conference bridge as function of capabilities to achieve the desired conference call (col. 6, lines 42-59), and reassigning an existing conference call to another conference bridge (col. 7, lines 25-42). It is obvious to one of ordinary skill in the art at the time of the invention that a conference bridge, a system resource, must be available to be selected to set up a conference call. Furthermore, Detampel from the same or similar fields of endeavor discloses determining if sufficient ports are available (Fig. 5, element 503) and accordingly selecting a conference bridge considering load control and routing cost and

using criteria including availability, load control, least-cost routing and component failure, for example, selecting one with the most available conferencing ports (para. 5, 57). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to combine the PBX with conference bridges of Jeong, Mauger and Avaramudan with the conference bridge selection of Detampel by selecting another conference bridge depending on data traffic loading. Further it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. The motivation for doing so would have been to provide flexibility and cost saving.

The combination of Jeong, Mauger, Avaramudan and Detampel discloses a system, as recited above, but not a computer comprising the devices, the interface in a gatekeeper module and the resource control device. However, Pinard ("PBX Implemented Using H.323 Gatekeeper") from the same or similar fields of endeavor discloses implementing H.323 standard, including the H.323 gatekeeper, in a PBX with full functionality (col. 2, lines 10-18). Jeong further discloses a gatekeeper implementing conversion to support connections between H.323 and PSTN endpoints (col. 4, lines 55+) Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to combine the system of Jeong, Mauger, Avaramudan and Detampel with the network PBX of Pinard by integrating the components into a computer since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse, 86 USPQ 70.* The motivation for doing so would

have been to incorporate an emerging standard for multi-media communication to voice communications traditionally implemented in a PBX.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form 892).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUAT PHUNG whose telephone number is (571) 270-3126. The examiner can normally be reached on M-Th 7:30 AM - 5:00 PM, F 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. P./

Examiner, Art Unit 2416

/Ricky Ngo/

Supervisory Patent Examiner, Art Unit 2416